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**Date:** June 20, 2002  
**To:** Examiner Sisson  
**Facsimile No.:** 703-746-5020  
**From:** Bret E. Field  
**Re:** CPA and Amendment filed on 06-19-02 for 09/398,399  
**Our Docket No.:** 10981620-2 / AGIL-015  
**Message:** Please see attached for details.

Total including cover 22 pages

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**WARNING:** This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

## PATENT APPLICATION

ATTORNEY DOCKET NO. 10981620-2IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE"Express Mail" label no. EV 036 410 594 USDate of Deposit June 19, 2002

## Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

## Prior application:

Examiner: Sisson, B.Art Unit: 1655

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.

By Fidelina TORRESTyped Name: Fidelina TORRES

Box CPA  
COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

REQUEST FOR A CONTINUED PROSECUTION APPLICATION (CPA) 37 CFR 1.53(d)

Sir:

This is a request for a filing under the continuing application procedure, 37 CFR 1.53(d), for a

☒ continuation☐ divisionalPrior ApplicationApplication Serial No. 09/398,399 filed Sept. 17, 1999Title (as originally filed) Techniques for Assessing Nonspecific Binding of Nucleic Acids for SurfacesTitle (as last amended) Arrays Comprising Background Features That Provide For A Measure Of Non-Specific Binding and Methods For Using The SameName of applicant(s) Glenda C. Delenstarr☒ The prior application is hereby abandoned.☒ The issue fee in the prior application has not been paid.☒ Please use all the contents of the prior application file wrapper, including the drawings and entered amendments, as the basic papers for the new application.Foreign Priority - 35 USC 119☐ Foreign priority under 35 U.S.C. 119 has been claimed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_.☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.☐ A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.Petition for Extension of Time in Prior Application☒ A petition for extension of time is enclosed herewith.

**CONTINUED PROSECUTION APPLICATION**  
(CPA) (37 CFR 1.53(d)) (continued)ATTORNEY DOCKET NO. 10981620-2**Assignment**

- ( ) The prior application is assigned to Agilent Technologies Inc..  
( ) The prior application is assigned to Agilent Technologies Inc. and \_\_\_\_\_.  
( ) The prior application is assigned to \_\_\_\_\_.

**Inventorship Statement**

- ( ) Delete the following named individuals as inventors in this application in accordance with 37 CFR 1.62(a) as a result of a change in the claimed subject matter:  
\_\_\_\_\_

**Declaration and Power of Attorney**

- ( ) The Power of Attorney in the prior application is to:

Customer Number **022878**

Place Customer  
Number Bar Code  
Label here

- ( ) The power appears in the original papers in the prior application.  
( ) The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- ( ) Recognize as Associate Attorney or Agent \_\_\_\_\_  
Registration No. \_\_\_\_\_  
( ) Authorization is hereby granted by signature below of the Attorney or Agent of record.  
( ) The Associate Attorney or Agent may not have the authority to appoint other Attorneys or Agents.

**Communications**

- (X) Address all future communications to:

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

Direct telephone calls to:  
**Gordon M. Stewart**  
(650) 485-2386

**Waiver of Secrecy**

It is understood that secrecy under 35 USC 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a CPA application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

**Other Amendments**

- ( ) Before calculating the filing fee, amend the prior application as follows:  
( ) Cancel the following claims \_\_\_\_\_  
( ) Enter the enclosed Preliminary Amendment.  
(X) Enter the Amendment(s) under 37 CFR 1.116 dated June 19, 2002  
that was unentered in the Prior Application. A copy of the Amendment(s) is (are) enclosed.

CONTINUED PROSECUTION APPLICATION  
(CPA) (37 CFR 1.53(d)) (continued)

ATTORNEY DOCKET NO. 10981620-2

Fee Calculation

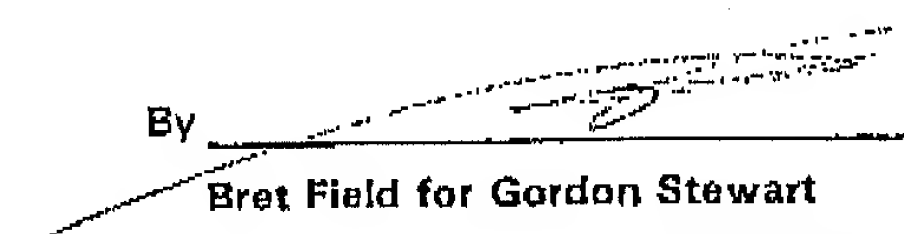
(X) The filing fee is calculated below for (X) Utility ( ) Design

CLAIMS AS FILED BY OTHER THAN A SMALL ENTITY							
(1) FOR		(2) NUMBER FILED		(3) NUMBER EXTRA	(4) RATE	(5) TOTALS	
TOTAL CLAIMS		33	— 20	13	X \$18	\$ 234	
INDEPENDENT CLAIMS		11	— 3	8	X \$84	\$ 672	
ANY MULTIPLE DEPENDENT CLAIMS		0			\$280	\$ 0	
BASIC FEE: Design ( \$330.00 ); Utility ( \$740.00 )						\$ 740	
TOTAL FILING FEE						\$ 1,646	
EXTENSION FEE	1ST MONTH		2ND MONTH		3RD MONTH	4TH MONTH	\$ 110
	\$110.00	X	\$400.00		\$920.00	\$1440.00	
TOTAL CHARGES TO DEPOSIT ACCOUNT						\$ 1,756	

Charge \$ 1,756 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

By

  
Bret Field for Gordon Stewart  
Attorney/Agent for Applicant(s)  
Reg. No. 37,620

Date:

Telephone No.: (650) 485-2386